

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RICHARD E. KAPLAN,

*Plaintiff,*

V.

Civil Action No. 04-10402-NMG

FIRST HARTFORD CORPORATION,

*Defendant.*

RICHARD E. KAPLAN,

*Plaintiff,*

V.

Civil Action No. 05-10320-NMG

FIRST HARTFORD CORPORATION,

*Defendant.*

**FIRST HARTFORD CORPORATION'S  
MOTION TO REVISE SCHEDULE**

Defendant First Hartford Corporation (“FHC”), by and through its counsel, hereby moves the Court to approve a minor modification to the schedule such that fact witness depositions will be completed on or before **February 15, 2006** (previously November 30, 2005) and summary judgment motions will be served on or before **March 1, 2006** (previously December 31, 2005) and responded to on or before **March 22, 2006** (previously January 21, 2006).

In support of this motion, FHC states as follows:

1. On November 11, 2005, plaintiff Richard E. Kaplan (“Kaplan”) noticed the deposition of defendant First Hartford Corporation (“FHC”) for November 29, 2005.

2. On November 18, 2005, FHC noticed the deposition of Kaplan for November 28, 2005.

3. Neither FHC’s representative nor Kaplan were available to be deposed on the days noticed. Thus, the parties agreed to schedule the depositions sometime in January when both witnesses would be available. The parties are currently working on scheduling those depositions on mutually agreeable dates.

4. Under the existing schedule, discovery closed on November 30, 2004. Dispositive motions, including motions for summary judgment, must be filed by December 31, 2005 and responses by January 21, 2006.

5. In light of the parties’ agreement to conduct the depositions of Kaplan and FHC’s corporate designee in January 2006, FHC respectfully request that the deadlines for taking fact witness depositions and filing and responding to summary judgment motions be extended as set forth below.

6. The revised schedule does not alter the final pretrial conference or trial dates set by the Court and neither party would be prejudiced by this minor modification to the schedule.

WHEREFORE, FHC moves the Court to approve the following revised schedule:

- (a) Taking of fact witness depositions to be completed on or before **February 15, 2006**;
- (b) Summary judgment motions to be filed on or before **March 1, 2006**;
- (c) Responses to summary judgment motions to be filed on or before

**March 22, 2006;**

- (d) Final Pretrial conference to be held (as originally scheduled) on **April 6, 2006;** and
- (e) Trial to be held (as originally scheduled) on **May 1, 2006.**

FIRST HARTFORD CORPORATION

By its attorneys,

/s/ Jillian B. Hirsch

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-and-

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Dated: December 22, 2005

**LOC. R. 7.1(A)(2) CERTIFICATION**

I, Jillian B. Hirsch, hereby certify that by letters dated December 15 and 21, 2005 and an e-mail in response dated December 22, 2005 counsel for the parties conferred in a good faith attempt to resolve or narrow the issue raised by this motion but were unsuccessful.

/s/ Jillian B. Hirsch  
Jillian B. Hirsch

**CERTIFICATE OF SERVICE**

I, Jillian B. Hirsch, hereby certify that on this 22nd day of December 2005, I served a true and correct copy of the foregoing *First Hartford Corporation's Motion to Revise Schedule* via e-mail and first class mail on Larry C. Kenna, Choate, Hall & Stewart, Two International Place, Boston, Massachusetts, 02110.

\_\_\_\_\_/s/ Jillian B. Hirsch  
Jillian B. Hirsch